

Exhibit A

Case Report

Home Complaints/Parties Actions Minutes Pending Hearings Case Report Images

Open Quick Search

Case CIVMSC21-00904 - PETER WHITEHEAD VS THE BUREAU OF NATIONAL AFFAIRS

Case CIVMSC21-00904 - Complaints/Parties

Complaint Number: 1 Complaint Type: COMPLAINT Filing Date: 05/06/2021 Complaint Status: ACTIVE				
Party Number	Party Type	Party Name	Attorney	Party Status
1	PLAINTIFF	PETER B WHITEHEAD	DELAHUNTY, PATRICK R	First Paper Fee Paid
2	DEFENDANT	THE BUREAU OF NATIONAL AFFAIRS, INC	Unrepresented	Served 05/07/2021

Case CIVMSC21-00904 - Actions/Minutes

Viewed	Date	Action Text	Disposition	Image
	09/22/2021 8:30 AM DEPT. 33	CASE MANAGEMENT CONFERENCE		
	07/13/2021 7:00 AM DEPT. 33	CHECK FOR PROOF OF SERVICE	VACATED	
	05/10/2021	PROOF OF PERSONAL SERVICE FILED ON COMPLAINT FILED 05/06/2021 OF PETER WHITEHEAD AS TO THE BUREAU OF NATIONAL AFFAIRS, INC WITH SERVICE DATE OF 05/07/21	Not Applicable	N/A
	05/06/2021	CASE ENTRY COMPLETE	Not Applicable	
	05/06/2021	ORIGINAL SUMMONS ON COMPLAINT FILED 05/06/2021 OF PETER WHITEHEAD FILED	Not Applicable	N/A
	05/06/2021	COLOR OF FILE IS BLUE	Not Applicable	
	05/06/2021	CASE MANAGEMENT CONFERENCE WAS SET FOR 9/22/21 AT 8:30 IN DEPT. 33		
	05/06/2021	CLERK'S TICKLER TO CHECK FOR PROOF OF SERVICE WAS SET FOR 7/13/21 AT 7:00 IN DEPT. 33		
	05/06/2021	COMPLAINT FILED. SUMMONS IS ISSUED	Not Applicable	N/A
Minutes You are Not Authorized to View Minutes prior to 12/31/2099				
	05/06/2021	CASE HAS BEEN ASSIGNED TO DEPT. 33		

Case CIVMSC21-00904 - Pending Hearings

<i>Date</i>	<i>Action Text</i>	<i>Disposition</i>	<i>Image</i>
09/22/2021 8:30 AM DEPT. 33	CASE MANAGEMENT CONFERENCE		

* CONTRA COSTA SUPERIOR COURT - MARTI *
* * * * *
* SUPERIOR COURT - MARTINEZ *

* Receipt # 202105060031 Oper: CJ *
* 5/06/21 Case # , MSC21-00904 *
* Case Type .: CIVIL *
* Payment Type: CHECK *
* Received: \$435.00 *
* Fee : \$435.00 *
* Change: \$0.00 *
* - Name - *
* PETER WHITEHEAD VS THE BUREAU OF NA *
* UNLTD CIV NEW COMPLAINT *

SUPERIOR COURT - MARTINEZ
COUNTY OF CONTRA COSTA
MARTINEZ, CA, 94553

PETER WHITEHEAD VS THE BUREAU OF NATIONAL AFFAIRS

NOTICE OF CASE MANAGEMENT CONFERENCE

CIVMSC21-00904

1. NOTICE: THE CASE MANAGEMENT CONFERENCE HAS BEEN SCHEDULED FOR:

DATE: 09/22/21 DEPT: 33 TIME: 8:30

THIS FORM, A COPY OF THE NOTICE TO DEFENDANTS, THE ADR INFORMATION SHEET, A BLANK CASE MANAGEMENT CONFERENCE QUESTIONNAIRE, AND A BLANK STIPULATION FORM ARE TO BE SERVED ON OPPOSING PARTIES. ALL PARTIES SERVED WITH SUMMONS AND COMPLAINT/CROSS-COMPLAINT OR THEIR ATTORNEY OF RECORD MUST APPEAR.

2. You may stipulate to an earlier Case Management Conference. If all parties agree to an early Case Management Conference, please contact the Court Clerk's Office at (925)608-1000 for Unlimited Civil and Limited Civil cases for assignment of an earlier date.

3. You must be familiar with the case and be fully prepared to participate effectively in the Case Management Conference and to discuss the suitability of this case for the EASE Program, private mediation, binding or non-binding arbitration, and/or use of a Special Master.

4. At any Case Management Conference the court may make pretrial orders including the following:

- a. an order establishing a discovery schedule
- b. an order referring the case to arbitration
- c. an order transferring the case to limited jurisdiction
- d. an order dismissing fictitious defendants
- e. an order scheduling exchange of expert witness information
- f. an order setting subsequent conference and the trial date
- g. an order consolidating cases
- h. an order severing trial of cross-complaints or bifurcating issues
- i. an order determining when demurrers and motions will be filed

SANCTIONS

If you do not file the Case Management Conference Questionnaire or attend the Case Management Conference or participate effectively in the Conference, the court may impose sanctions (including dismissal of the case and payment of money).

Clerk of the Superior Court of Contra Costa County
I declare under penalty of perjury that I am not a party to this action, and that I delivered or mailed a copy of this notice to the person representing the plaintiff/cross-complainant.

Dated: 05/06/21

C. JACALA
Deputy Clerk of the Court

PLD-C-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Patrick R. Delahunty (SBN 257439)
 Delahunty & Edelman LLP
 4 Embarcadero Center, Suite 1400
 San Francisco, CA 94111

TELEPHONE NO: (415) 891-6210

FAX NO. (Optional): (415) 891-6256

E-MAIL ADDRESS (Optional): pdelahunty@delawilp.com

ATTORNEY FOR (Name): Plaintiff Peter B. Whitehead

SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA

STREET ADDRESS: 725 Court Street

MAILING ADDRESS:

CITY AND ZIP CODE: Martinez, CA 94553

BRANCH NAME: Civil

PLAINTIFF: Peter B. Whitehead

DEFENDANT: The Bureau of National Affairs, Inc., a Delaware Corporation.

☒ DOES 1 TO 99

CONTRACT

☒ COMPLAINT☐ AMENDED COMPLAINT (Number):☐ CROSS-COMPLAINT☐ AMENDED CROSS-COMPLAINT (Number):

Jurisdiction (check all that apply):

☐ ACTION IS A LIMITED CIVIL CASEAmount demanded ☐ does not exceed \$10,000☐ exceeds \$10,000 but does not exceed \$25,000☒ ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)☐ ACTION IS RECLASSIFIED by this amended complaint or cross-complaint☐ from limited to unlimited☐ from unlimited to limited

CASE NUMBER:

C21-00904-

FOR COURT USE ONLY

FILED

2021 MAY -6 A 8:56

KATE BIEKER
 CLERK OF THE SUPERIOR COURT
 COUNTY OF CONTRA COSTA, CA

BY: COURT CLERK
 COURT CLERK

PER LOCAL RULE, THIS
 CASE IS ASSIGNED TO
 DEPT. 33, FOR ALL
 PURPOSES

1. Plaintiff* (name or names):

Peter B. Whitehead

alleges causes of action against defendant* (name or names):

Bureau of National Affairs, Inc. d/b/a Bloomberg Industry Group, Does 1 through 99

2. This pleading, including attachments and exhibits, consists of the following number of pages:

3. a. Each plaintiff named above is a competent adult

☐ except plaintiff (name):(1) ☐ a corporation qualified to do business in California(2) ☐ an unincorporated entity (describe):(3) ☐ other (specify):b. ☐ Plaintiff (name):a. ☐ has complied with the fictitious business name laws and is doing business under the fictitious name (specify):b. ☐ has complied with all licensing requirements as a licensed (specify):c. ☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3c.

4. a. Each defendant named above is a natural person

☒ except defendant (name): Bureau of National Affairs, Inc. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☒ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):

* If this form is used as a cross-complaint, plaintiff means cross-complainant and defendant means cross-defendant.

Page 1 of 2

PLD-C-001

SHORT TITLE: Whitehead v. The Bureau of National Affairs, Inc.	CASE NUMBER:
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4. (Continued)

b. The true names of defendants sued as Does are unknown to plaintiff.

(1) ☒ Doe defendants (specify Doe numbers): 1- 99 were the agents or employees of the named defendants and acted within the scope of that agency or employment.(2) ☐ Doe defendants (specify Doe numbers): are persons whose capacities are unknown to plaintiff.c. ☐ Information about additional defendants who are not natural persons is contained in Attachment 4c.d. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):5. ☐ Plaintiff is required to comply with a claims statute, anda. ☐ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):6. ☐ This action is subject to ☐ Civil Code section 1812.10 ☐ Civil Code section 2984.4.

7. This court is the proper court because

a. ☒ a defendant entered into the contract here.b. ☐ a defendant lived here when the contract was entered into.c. ☐ a defendant lives here now.d. ☒ the contract was to be performed here.e. ☐ a defendant is a corporation or unincorporated association and its principal place of business is here.f. ☐ real property that is the subject of this action is located here.g. ☒ other (specify):

Defendant Bureau of National Affairs Inc. is a foreign corporation registered and qualified to do business in California.

8. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

☒ Breach of Contract☐ Common Counts☒ Other (specify):

Breach of Implied Covenant of Good Faith and Fair Dealing

9. ☐ Other allegations:

10. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

a. ☒ damages of: \$ 25,001 (in excess of and no less than)b. ☒ interest on the damages(1) ☒ according to proof(2) ☐ at the rate of (specify): percent per year from (date):c. ☒ attorney's fees(1) ☐ of: \$(2) ☒ according to proof.d. ☒ other (specify):

damages as prayed in the second cause of action for breach of implied covenant of good faith and fair dealing.

11. ☐ The paragraphs of this pleading alleged on information and belief are as follows (specify paragraph numbers):

Date: 5/5/2021

Patrick R. Delahunty

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

(If you wish to verify this pleading, affix a verification.)

SHORT TITLE:

CASE NUMBER:

Whitehead v. The Bureau of National Affairs, Inc.

FIRST

(number)

CAUSE OF ACTION—Breach of ContractATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

BC-1. Plaintiff (name): Peter B. Whitehead

alleges that on or about (date): January 1, 1986

a ☒ written ☐ oral ☐ other (specify):

agreement was made between (name parties to agreement):

Peter B. Whitehead and The Bureau of National Affairs, Inc. (signed by Robert B. Brooks)

☐ A copy of the agreement is attached as Exhibit A, or☒ The essential terms of the agreement ☐ are stated in Attachment BC-1 ☒ are as follows (specify):

Plaintiff and Bureau of National Affairs, Inc. (BNA) agreed in a writing dated Jan. 1, 1986 to, inter alia, (i) market a software program developed by Plaintiff (the Program); (ii) pay Plaintiff royalties on Program sales; (iii) provide Plaintiff an assistant; and (iv) pay "salary and fringes" for the assistant "subject to normal salary increases" in exchange for Plaintiff, inter alia, agreeing to update and enhance the Program. BNA manager Robert B. Brooks signed for BNA.

BC-2. On or about (dates): Jan. 1, 2018, 2019, and 2020; Sept. 11, 2020; Oct. 1, 2020, and ongoing defendant breached the agreement by ☐ the acts specified in Attachment BC-2 ☒ the following acts (specify):

BNA breached by not paying the assistant normal salary increases, by unilaterally terminating the assistant, and by refusing to pay the assistant an appropriate "salary and fringes" after allowing Plaintiff to re-hire the same assistant.

BC-3. Plaintiff has performed all obligations to defendant except those obligations plaintiff was prevented or excused from performing.

BC-4. Plaintiff suffered damages legally (proximately) caused by defendant's breach of the agreement

☐ as stated in Attachment BC-4 ☒ as follows (specify):

Non-payment of the assistant's full salary and benefits due under the contract; sums Plaintiff has paid and continues to pay to the rehired assistant reflecting appropriate salary and benefits under the contract; other sums and expenses Plaintiff has become obligated to pay by becoming the rehired assistant's employer, including payroll costs, FICA tax, and workers' compensation; costs to Plaintiff for administering assistant's compensation; attorneys' fees.

BC-5. ☒ Plaintiff is entitled to attorney fees by an agreement or a statute

☐ of \$

☒ according to proof.

BC-6. ☒ Other:

Plaintiff also prays for the following relief: interest on the said sums as provided by law, attorneys' fees according to proof, declaratory relief, and such other and further relief as the Court deems proper.

Short Title: Whitehead v. The Bureau of National Affairs, Inc.

Case Number:

1 SECOND CAUSE OF ACTION FOR BREACH OF IMPLIED COVENANT OF GOOD
2 FAITH AND FAIR DEALING AGAINST DEFENDANT THE BUREAU OF NATIONAL
3 AFFAIRS, INC.

4 Attachment to Complaint of Peter B. Whitehead

5 BI-1. Plaintiff Peter B. Whitehead realleges and incorporates by reference each of the
6 allegations and paragraphs above as though fully set forth herein.

7 BI-2. Plaintiff alleges that defendant THE BUREAU OF NATIONAL AFFAIRS, INC.
8 d/b/a BLOOMBERG INDUSTRY GROUP ("BNA") did the following:

9 BI-3. Plaintiff and BNA entered into a written contract on or about January 1, 1986;

10 BI-4. Plaintiff did all, or substantially all of the significant things that the contract required
11 him to do;

12 BI-5. All conditions required for BNA's performance had occurred or were excused;

13 BI-6. In the contract BNA expressly agreed in paragraph 4 and Attachment C that BNA
14 would provide Plaintiff an assistant to help Plaintiff perform his duties under the
15 contract, and BNA would pay "salary and fringes" for the assistant "subject to
16 normal salary increases."

17 BI-7. The contract does not expressly address the process for hiring and firing the
18 assistant, nor does it further define "normal salary increases." For thirty-four years,
19 the parties operated under a course of dealings where Plaintiff had unilaterally
20 selected an assistant, Joseph Walton, who BNA treated as a BNA employee for
21 payroll and benefits purposes and who received salary increases almost every year
22 until 2018 with an average increase of approximately 5%.

23 BI-8. BNA prevented Plaintiff from receiving the benefits under the contract by (i)
24 unilaterally terminating Mr. Walton, who Plaintiff was entitled to retain as his
25 assistant under the contract, (ii) allowing Plaintiff to re-hire Mr. Walton as his
26 assistant while refusing to pay Mr. Walton an appropriate "salary and fringes" and
27 instead demanding that Mr. Walton be paid substantially (over 30%) less than his
28

Short Title: Whitehead v. The Bureau of National Affairs, Inc.

Case Number:

1 previous salary for doing the same work, and (iii) failing to provide “normal salary
2 increases” beginning in 2018 and thereafter.

3 BI-9. BNA did not act fairly and in good faith; and

4 BI-10. Plaintiff was harmed by BNA’s conduct by (i) being deprived of assistance as
5 provided for in the Contract, (ii) incurring costs and expenses in having to rehire his
6 assistant of choice to be employed directly by Plaintiff and providing the assistant
7 salary and benefits the assistant is entitled to under the contract, and (iii) paying
8 attorney fees prior to litigation and through litigation.

9 Prayer for Relief

10 Wherefore, Plaintiff prays, for his second cause of action, compensatory damages
11 according to proof, interest as provided by law, attorneys’ fees according to proof, declaratory
12 relief, and for such other relief as the Court deems proper.

SUM-100

SUMMONS (CITACION JUDICIAL)

FILED
FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

THE BUREAU OF NATIONAL AFFAIRS, INC., a Delaware Corporation.

Does 1 to 49 MAY -6 8:58

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

PETER B. WHITEHEAD

KATE BIEKER
CLERK OF THE SUPERIOR COURT
COUNTY OF CONTRA COSTA, CA
BY: C. A. JACALA CLERK

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Contra Costa Superior Court, 725 Court Street, Martinez, CA 94553

CASE NUMBER: (Número del Caso):

C21-00904-

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Patrick R. Delahunty (SBN 257439), Delahunty & Edelman LLP, 4 Embarcadero Center, Suite 1400, San Francisco, CA 94111

DATE:

(Fecha)

MAY 6 - 2021

Clerk, by
(Secretario)

C. A. JACALA
Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☒ on behalf of (specify): The Bureau of National Affairs, Inc., a Delaware Corporation
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
- ☐ by personal delivery on (date):

Page 1 of 1

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address). Patrick R. Delahunty (SBN 257439) Delahunty & Edelman LLP 4 Embarcadero Center, Suite 1400		FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; margin: 10px 0;">FILED</div> <div style="font-size: 1.2em; margin: 5px 0;">2021 MAY -6 A 8:55</div> <div style="font-size: 0.8em; margin: 5px 0;">KATE BIEKER CLERK OF THE SUPERIOR COURT COUNTY OF CONTRA COSTA, CA</div> <div style="font-size: 0.8em; margin: 5px 0;">BY: C. J. P. [Signature] CLERK</div>	
TELEPHONE NO.: (415) 891-6210 FAX NO. (Optional): (415) 891-6256 ATTORNEY FOR (Name): Plaintiff Peter B. Whitehead			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA STREET ADDRESS: 725 Court Street MAILING ADDRESS: CITY AND ZIP CODE: Martinez, CA 94553 BRANCH NAME: Civil			
CASE NAME: Whitehead v. The Bureau of National Affairs, Inc., a Delaware Corporation			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: 2021-00904 JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input checked="" type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): two: breach of contract; breach of implied covenant of good faith and fair dealing
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case (You may use form CM-015.)

Date: 5/5/2021

Patrick R. Delahunty

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress

Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)

Fraud (16)

Intellectual Property (19)

Professional Negligence (25)

Legal Malpractice

Other Professional Malpractice (*not medical or legal*)

Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)

Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition

Attorney or Party without Attorney: Patrick R. Delahunty, Esq., Bar #257439 Delahunty & Edelman, LLP 4 Embarcadero Center, Suite 1400 San Francisco, CA 94111 Telephone No: 415-891-5210 FAX No: 415-891-6256				For Court Use Only	
Attorney for: Plaintiff					
Insert name of Court, and Judicial District and Branch Court: Superior Court Of California County Of Contra Costa Superior Court					
Plaintiff: Peter B. Whitehead Defendant: The Bureau Of National Appeairs, Inc., et al.					
PROOF OF SERVICE Summons & Complaint		Hearing Date:	Time:	Dept/Div:	Case Number: C2100904

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the Summons & Complaint; Civil Case Cover Sheet; Notice to Defendants; Notice of Case Management Conference; CM-110 (blank); ADR Case Management Stipulation and Order; ADR Information
3. a. Party served: The Bureau Of National Affairs, Inc., a Delaware Corportion
 b. Person served: Susie Vang, Person Authorized to Accept
4. Address where the party was served: CSC Lawyers Incorporating Services
 2710 Gateway Oaks Dr, Suite 150 N
 Sacramento, CA 95833
5. I served the party:
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive process for the party (1) on: Fri., May. 07, 2021 (2) at: 1:00PM
6. The "Notice to the Person Served" (on the Summons) was completed as follows:
 on behalf of: The Bureau Of National Affairs, Inc., a Delaware Corportion
 Under CCP 416.10 (corporation)
7. Person Who Served Papers:
 - a. John M. Adams

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. The Fee for Service was: \$30.50

- e. I am: (3) registered California process server
 - (i) Independent Contractor
 - (ii) Registration No.: 2014-45
 - (iii) County: Sacramento



1500 W. El Camino Avenue, #510
 Sacramento, CA 95833
 855-5VALPRO, Fax (866) 900-4665
 www.ValproAttorneyServices.com

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Fri, May. 07, 2021